

D I A Z L A W F I R M



January 8, 2016

G. Joseph Diaz, Jr.

Christopher P. Williams

James R. Segars, III

Allen M. Gressett*

Frederick A. Johnson, Jr.

VIA ECF FILING

Honorable Charles R. Breyer
United States District Judge
Courtroom 6 - 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Application for Leadership – *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 CRB (JSC)

Dear Judge Breyer:

OFFICE ADDRESS

208 WATERFORD SQUARE

SUITE 300

MADISON, MS 39110

Pursuant to Pretrial order No. 2 (“PTO 2”), I, Joey Diaz, hereby apply for a position on the plaintiffs’ steering committee in the above-captioned litigation.

My firm represents hundreds of affected vehicle owners and lessees, many of which are from California. We have filed seven cases that have been transferred to this MDL: *Westphal et al v. Volkswagen AG et al*, MSS/1:15-cv-00326; *Stegen v. Volkswagen AG et al*, OKN/4:15-cv-00582; *Brigham v. Volkswagen AG et al*, TXN/1:15-cv-00186; *Stringer v. Volkswagen AG et al*, ALS/1:15-cv-00509; *Marsh v. Volkswagen AG et al*, FLN/3:15-cv-00457; *Frechou et al v. Volkswagen Group of America, Inc.*, LAE/2:15-cv-05034; and *Hill et al v. Volkswagen Group of America, Inc.*, NCM/1:15-cv-00819. Many of the owners we represent are searching for answers, and they want us to hold Volkswagen accountable, be it at the MDL level, in state court, or through a claims process.

PHONE 601.607.3456

TOLL FREE 800.459.2222

FACSIMILE 601.607.3393

WWW.MSATTORNEYS.COM

(1) Professional Experience

For over 35 years, I have resolved complex cases involving not only property damage, such as the case here, but also catastrophic injury. My firm has litigated cases, served on steering committees or performed common benefit work in an array of cases, including MDL 926: *In Re: Breast Implant Products Liability Litigation*, MDL 1203: *In Re: Diet Drugs Products Liability Litigation*, MDL 1657: *In Re: Vioxx Products Liability Litigation*,

*Also licensed in Tennessee

Honorable Charles R. Breyer
United States District Judge
January 8, 2016
Page 2

MDL 1871: *In Re: Avandia Marketing, Sales Practices and Products Liability*, MDL 1905: *In Re: Medtronic, Inc., Sprint Fidelis Leads Products Liability Litigation*, MDL 2179: *In Re: Oil Spill by the Oil Rig "Deepwater Horizon"*, MDL 2385: *In Re: Pradaxa (Dabigatran Etexilate) Products Liability Litigation* and MDL 2226: *In Re: Darvocet, Darvon and Propoxyphene Products Liability Litigation* and MDL 2452: *In Re: Incretin Mimetics Products Liability Litigation*. I served on the plaintiffs' steering committee in Darvocet and another member of my firm currently serves on the plaintiffs' steering committee in the Incretin Mimetics litigation.

As part of MDL 2179, *In Re: Oil Spill by the Oil Rig "Deepwater Horizon,"* I served on subcommittees aimed at moving the case forward, as well as assisted in the development of the subsistence framework, from which tens of thousands of claims have been paid. Additionally, my firm filed over 10,000 claims, and, to date, has resolved a large number of them.

(2) Judicial References

While this is my first time appearing before this Court, Judge Cynthia Rufe (E.D. PA) (*Avandia Marketing Litigation*) and Judge Danny Reeves (E.D. KY) (*Darvocet Products Liability Litigation*) can serve as references for me. Judge Anthony Battaglia (S.D. CA) (*Incretin Mimetics Products Liability Litigation*) can serve as a reference for my firm's work in the Incretin litigation, where Tripp Segars, a member of my firm, currently serves on the steering committee.

(3) – (7) in PTO 2

My firm is willing to commit the necessary time and considerable resources necessary to resolve this case. My application is being submitted because I wish to serve on the plaintiffs' steering committee. Currently, I represent hundreds of owners and lessees of affected vehicles and would like to work not only on the consumer aspects, but also the securities side of the litigation. My firm has worked closely with many of the attorneys and firms who have filed Volkswagen cases and will work cooperatively with whoever is chosen for leadership. Please see "Appendix B" for a listing of those who have filed cases and are supporting my application.

(8) Other Factors

Members of my firm have driven Volkswagen vehicles, and one of the attorneys was looking to purchase a Volkswagen "Clean Diesel" at the time of the emissions announcement. This case is important to my firm, so we want to ensure we have the ability to help steer the litigation in an efficient and expeditious manner that is beneficial to those harmed.

Honorable Charles R. Breyer
United States District Judge
January 8, 2016
Page 3

Your consideration of my application is appreciated. I look forward to making this litigation the focus of my practice and will work tirelessly to bring it to a successful resolution.

With kind and personal regards, I remain,

Sincerely,

DIAZ LAW FIRM, PLLC

By: /s/ Gerald J. Diaz, Jr.
GERALD J. DIAZ, JR.

Attachments

Cc: All Counsel (via ECF)